

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
V.) CR. NO.: 2:07cr45-TFM
)
KENNETH C. DENNIS)

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, Kenneth C. Dennis, by and through his undersigned counsel, Jennifer A. Hart, and pursuant to 18 U.S.C. 3161 §§ (H)(1)(i) and (H)(3)(A), moves this Court to continue this case from the presently scheduled date of July 9, 2007 to the September 2007 trial term. As grounds for granting this Motion, Defendant would show the following:

1. Kenneth Dennis is charged in a one-count Information with misdemeanor theft of government property.
2. On May 8, 2007, Mr. Dennis appeared before this Court and entered a plea of not guilty to the Information. The case was then placed on the July 9, 2007 trial term.
3. Since that date of arraignment, the parties have attempted to resolve this matter by negotiating a plea agreement. The Government has provided Mr. Dennis with a proposed plea agreement, and the terms of that agreement are acceptable to Mr. Dennis.
4. Undersigned counsel, however, just learned that Mr. Dennis, who is in the Reserves, was ordered to report for initial active duty training (IADT) for Advanced Individual Training (AIT) at Ft. Sam Houston in Texas. (A copy of that Order is attached as Exhibit A to this Motion.)
5. Mr. Dennis is expected to return from training in approximately three weeks. However, he will not be available to appear in this Court in time for the July consent docket.

6. Because Mr. Dennis will be unavailable for the next few weeks, he is requesting that his case be continued until the next misdemeanor docket in September of 2007.

7. Undersigned counsel has discussed this matter with Lieutenant Christopher James and he has not objection to the requested continuance.

WHEREFORE, based upon the foregoing, Kenneth Dennis respectfully requests that this case be continued from the presently scheduled July 9, 2007 trial term to the September 2007 trial term.

Dated this 29th day of June 2007.

Respectfully submitted,

s/Jennifer A. Hart
JENNIFER A. HART
FEDERAL DEFENDERS
MIDDLE DISTRICT OF ALABAMA
201 Monroe Street, Suite 407
Montgomery, AL 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
jennifer_hart@fd.org
AL Bar Code: HAR189

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Christopher James, Esquire
Special Assistant United States Attorney
42 ABW/JA
50 LeMay Plaza South
Maxwell AFB, AL 36112-6334

Respectfully submitted,

s/Jennifer A. Hart
JENNIFER A. HART
FEDERAL DEFENDERS
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DEPARTMENT OF DEFENSE
MILITARY ENTRANCE PROCESSING STATION
MAXWELL AIR FORCE BASE - GUNTER ANNEX
MONTGOMERY, ALABAMA 36114

ORDERS: 7164008

13 June 2007

TO: DENNIS, KENNETH C., 419-31-4175, PV2, USAR
3575 S Mount Dr
Montgomery, AL 36105

You are ordered to initial active duty for training (IADT) for Advanced Individual Training (AIT) under 10 USC 12301. Upon completion of the training period shown below, unless sooner relieved or extended by proper authority, you will return to your home. Shipment of the weight allowance of household goods prescribed in the Joint Federal Travel Regulations is authorized. Travel of dependents is not authorized. Proceed from your current home address and report to this station not later than 0500 on 13 June 2007 and then:

Report to: Adjutant General Battalion (Reception), Ft Sam Houston, TX

Reporting date: 13 June 2007

Advanced individual training (AIT) activity and location: same as above

AIT reporting date: N/A

Training period: Approx 5 weeks or completion of MOS training

MOS: 91J10 Alternate MOS: NA

Pay entry basic date (PEBD): 7 November 2005

This is a centrally billed Account for ticket purchase.

*Acct clas, tvt: 2172070 24-2512 1D31.0000-21T*R150 028013

*Pay & alw: 2172070 24-2512 1D31.0000-1198/1199/1210/1250 R150 028013

2. Parent unit will ensure that Reserve identification card (DD Form 2A), MPRJ, including last physical examination records, and all items of initial clothing allowance accompany trainee.

FOR THE COMMANDER: *****

* OFFICIAL COPY *
* DEPARTMENT OF DEFENSE *
* MONTGOMERY MEPS *

KIMBERLEY M. JENNINGS
CPT, USA
Operations Officer

DISTRIBUTION:

PV2 Dennis (1)

AG Bn (rept) Ft Sam Houston, TX (3)

1207 USA HOSP (w8kra1)

Bldg 15, 6730 Upton Ave, Ft Benning, GA 31905 (706) 545-6905 (3)

Travel section (1)

File (1)